

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GEORGE SNYDER,) 05 cv 1752
)
Appellant,)
) 06 cv 0029
v.)
)
EDWARD QUINLAN, <i>et al</i> ,)
)
Appellees.)

MOTION PURSUANT TO F.R.Cv.P. 54(d) TO REVIEW DENIAL OF COSTS OR, MOTION
FOR RECONSIDERATION OF DENIAL OF COSTS

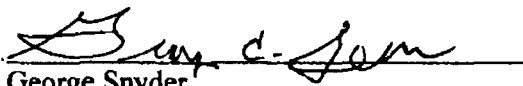
Appellant George Snyder ("Snyder") moves this Court pursuant to F.R.Cv.P. 54(d) to review the denial of costs:

1. It is hornbook law that appeal filing fees in bankruptcy appeals are recoverable as costs taxes when a judgment is vacated or reversed. This is not an issue.
2. The Clerk denied the unopposed bill of costs because proof of payment was not attached. A copy of the Clerk's Order is attached hereto.
3. Ordinarily, the Bankruptcy Court notifies this Court of proof of payment and a notation is made on the docket.
4. Proof of payment is on the docket in the bankruptcy court.
5. This is judicially noticeable pursuant to F.R.E. 201(d), and Snyder requests that this Court take judicial notice of this fact.
6. Moreover, the standard procedure is to provide an affidavit of costs, which Snyder did under the penalty for perjury. Uncontroverted testimony is evidence.
7. Nevertheless, the appellant has attached herewith copies of the money orders transmitted to the Clerk of the Bankruptcy Court.

8. The money orders were tendered by Appellant George Snyder, and he is entitled to costs of \$500.00.
9. Appellant George Snyder did not ask for any costs other than the filing fees, which were a significant expense to him.

WHEREFORE, Appellant George Snyder respectfully requests that the Bill of Costs be reviewed and that costs be awarded.

Respectfully submitted,


George Snyder
98 Arlene Drive
North Versailles, PA 15137

APPELLANT

10/30/06

Granted.

Annita F. Ambrose